1952. **File No.** O. L. O. Rs/52

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Legal Department—

A **BRANCH**

Subject:—

Opinions regarding Law officers Rules.—

308-A

File No. O. L. O. Rs/52

C O N T E N T S.

Legal Department File No. C. L.O.[illegible]/62.

Serial No.	R.L./C.No.	Subject	Pages.
		Opinions regarding Law Officers Rules.	
1	R.L.No. 5916 3-5-62	Re: Procedure to be followed when a Govt. servant is summoned by a Court to produce official documents for the purpose of giving evidence.	1-3
2	C.No. 20296 A 4-12-62	Withdrawal from Prosecution- Instructions to Public Prosecutors.	5

CMR 15-6-56
5 Copies.

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Withdrawal from Prosecution-
Instructions to Public Prosecutors.

GOVERNMENT OF BOMBAY,
Legal Department,
Circular No. 20296/A
Bombay Castle, 4th December 1952.

Recently it was brought to Government's notice that two important cases involving an offence under section 302,I.P.C. were committed to a Court of Session. On a suggestion made by the Sessions Judge, the Public Prosecutor in charge of the prosecution made an application to the Court for withdrawal of the cases. Before mak ng such an a plication the Public Prosecutor did not consult the District Magistrate nor did he apprise the District Magistrate of the suggestion made by the Sessions Judge. Under rule.42, Law Officers Rules, the Public Prosecu tor is normally expected to consult the District Magistrate before applying for withdrawal, and it is only in exceptional circumstances which it will be for the Public Prosecutor to make out that such consultation can be dispensed ith. If necessary, he should make an ap lication to the Court for a short adjournment to permit of such a consultation. Government wishes to draw the attention of the Public Prosecutors to the necessity of such consultations with the District Magistrates and to stress that the above mentioned directions should in future be carefully observed.

Id./P.V.L.

Secretary to Government.

SMR 15-6-56
4 Copies.